

April 20 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0682

**JEANETTE DIAZ, LEAH HOFFMAN-
BERNHARDT, RACHEL LAUDON,
individually and on behalf of others similarly situated,**

Plaintiffs and Appellants,

v.

**BLUE CROSS AND BLUE SHIELD OF MONTANA,
INC., NEW WEST HEALTH SERVICES, MONTANA
COMPREHENSIVE HEALTH ASSOCIATION,
STATE OF MONTANA, AND JOHN DOES 1-100**

Defendants and Appellees.

FILED

APR 20 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

**BLUE CROSS AND BLUE SHIELD OF MONTANA, INC.'S
MOTION FOR EXTENSION OF TIME TO FILE ITS ANSWER BRIEF**

Appeal from the District Court of the First Judicial District
of the State of Montana in and for the County of Lewis and Clark

Cause No. BDV-2008-956

The Honorable Jeffrey Sherlock

Appearances

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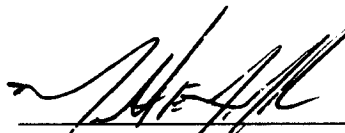
Blue Cross and Blue Shield of Montana, Inc., respectfully moves this Honorable Court pursuant to Rule 26 of the Montana Rules of Appellate Procedure for a thirty day extension of time to file its Answer Brief. Specifically, its Answer Brief would be due on or before May 12, 2010. It requests, however, that it be allowed to prepare, file, and serve its Answer Brief on or before June 11, 2010.

In accordance with Rule 26(1), M. R. App. P., the undersigned contacted one of Appellants' counsel concerning this extension of time request. Appellants' counsel does not oppose the motion but suggests that the extension be limited to fifteen days rather than the requested thirty days since it took so long to get the record up to the Court. Pursuant to Rule 16(1), M. R. App. P., a proposed order is presented with this motion.

Respectfully submitted this 20th day of April 2010.

MCMAHON LAW FIRM, PLLC

By



Michael F. McMahon
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**ATTORNEYS FOR BLUE CROSS AND
BLUE SHIELD OF MONTANA, INC.**

CERTIFICATE OF SERVICE BY MAIL

I HEREBY CERTIFY that a copy of the foregoing **BLUE CROSS AND BLUE SHIELD OF MONTANA, INC.'S MOTION FOR EXTENSION OF TIME TO FILE ITS ANSWER BRIEF** was served upon the following by mailing a true and correct copy thereof on April 2^o, 2010, addressed as follows:

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CERTIFICATE OF COMPLIANCE

Pursuant to Rule 11(4)(e) of the Montana Rules of Appellate Procedure, I certify that the foregoing is proportionally spaced using 14 point Times New Roman font; is double spaced; and the word count calculated by WordPerfect X4 for Windows, contains 146 words and is not more than 1 page, excluding certificate of service and certificate of compliance.

Respectfully submitted this 2nd day of April 2010.

A handwritten signature in black ink, appearing to read "Michael F. McMahon", written over a horizontal line.

Michael F. McMahon